

REMARKS

Amendments to the Claims

Applicants have withdrawn from examination claims 23-29, drawn to nonelected subject matter. In sum, claims 1-32 are pending.

The Restriction Requirement

Prior to the entry of this Response, claims 1-32 were pending and subjected to restriction.

The Office Action contends that the claims are drawn to three patentably distinct inventions as follows:

- Group I: Claims 1-22 and 30-32, drawn to a synthetic double-stranded DNA vector, classified in class 435, subclass 320.1;
- Group II: Claims 23-25, drawn to a method of generating the vector of Group I, classified in class 435, subclass 91.5; and
- Group III: Claims 26-29, drawn to a method of expressing a ss or ds RNA in a target cell, classified in class 435, subclass 455.

The Office Action requires that Applicants elect a single Group for prosecution on the merits.

The Office Action has further required Applicants to make a series of selections following the election of Group I. Specifically, the Office Action has required Applicants to select, for search purposes, a single (i) sequence from the identified SEQ ID NOs: SEQ ID NO: 7, 10, 11 and 20-22, (ii) a nucleic acid from SEQ ID NO: 23-34, (iii) transactivator peptide from SEQ ID NOs: 8 and 9, and (iv) RNA from SEQ ID NOs: 1 and 16.

In response, Applicants elect **Group I** (claims 1-22 and 30-32), drawn to a synthetic double-stranded DNA vector. This election is made without prejudice to the prosecution of non-elected groups in this or other patent applications that claim priority hereto.

The Office Action has indicated the instant claims are drawn to product and process. The Office Action has further stated that, where applicants elect claims directed to the

product, and a product claim is subsequently found allowable, withdrawn process claims that depend from or otherwise include all of the limitations of the allowable product claims will be rejoined in accordance with MPEP § 821.04.

To be fully response to the Restriction Requirement, Applicants further elect:

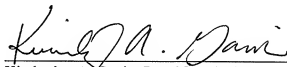
- (i) SEQ ID NO: 20;
- (ii) SEQ ID NO: 30;
- (iii) SEQ ID NO: 9; and
- (iv) SEQ ID NO: 16.

Conclusion

Applicants believe that no fee is required in connecting with this Response. If any additional fee is due, or if any overpayment has been made, in connection with the filing of this response, the Transmittal and Fee Transmittal authorizes the Director to charge any such fee or credit any overpayment, to our Deposit Account No. 02-4377.

Respectfully submitted,

Feb. 9, 2007


Kimberley A. Gavin, Reg. No. 51,723
Agent for Applicants

Lisa B. Kole, Reg. No. 35,225
Attorney for Applicants

Baker Botts L.L.P.
Customer No. 21003